

REMARKS

The present Amendment is in response to the Office Action dated February 10, 2006 in reference to the above-identified application. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by May 10, 2006. Filed concurrently herewith is a request for a three-month extension of time so that the present Amendment is due by August 10, 2006.

In that Office Action, claims 1-41 were pending. Of these, method claims 40 and 41 were withdrawn from consideration, and Applicant acknowledges the election to pursue the apparatus claims 1-39. With respect to claims 1-39, Applicant notes with appreciation the Examiner's allowance of claims 23-36. The Examiner also objected to claims 2-6, 8, 9, 13, 15-17, 19-22, 38 and 39; however, the Examiner did not enter any rejection of these claims over the art of record. Accordingly, it is believed that the Examiner intended to indicate that these claims contained allowable subject matter.

Of the remaining claims, claims 1 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,657,130 to Ackley Jr., et al. Claims 1, 7, 10-12, 18 and 37 were rejected as anticipated by U.S. Patent No. 4,042,098 to D'Agnolo, et al. under 35 U.S.C. §102(b). Claims 7 and 14 were rejected over either the D'Agnolo or Ackley in view of U.S. patent No. 3,468,407 to Furst as obvious under 35 U.S.C. §103(a).

With respect to these references, the Examiner indicates that the patent to Ackley shows an upstream conveyor assembly 202, a downstream conveyor assembly 82 and a transfer assembly 22. If this is the case, then the upstream conveyor assembly, as read by the Examiner, is formed by parallel augers while the

downstream conveyor formed by conveyor bars 84 connected by suitable chains so as to provide an endless loop. Each of the conveyor bars 84 includes a plurality of cavities for receiving objects.

With respect to the patent to D'Agnolo, the Examiner indicates that this apparatus includes an upstream conveyor assembly 12, a downstream conveyor assembly 19 positioned in an upright orientation relative to the support surface and a transfer assembly 15. Applicant disagrees that area 11, as indicated, for example, in Figure 1, is an upstream load area for the upstream conveyor. Rather, region 11 in Figure 1 would be a downstream discharge location for conveyor 12.

Nonetheless, Applicant submits that the current amended claim language clearly distinguishes the respective claims over the applied references, whether taken alone or in combination. For example, claim 1 has been amended to recite that the upstream conveyor assembly includes first and second upstream conveyors that are located along side one another so as to have generally planar advance portions oriented at an oblique orientation angle with respect to one another. If the augers of Ackley are deemed to be upstream conveyors, such augers lack this feature. Likewise, if the upstream conveyor assembly is the conveyor 12 of D'Agnolo, it is a single conveyor and not the dual conveyor as now recited in claim 1.

Independent claim 37 has been amended to recite that the downstream conveyor assembly is inclined from a downstream intake location to an upstream discharge location. If, indeed, if assembly 19 of D'Agnolo is deemed to be the downstream conveyor, it is oppositely inclined from the upstream location to the downstream location so that containers descend rather than ascend as in the present invention.

Applicant disagrees with the Examiner in his reading of the Furst patent as teaching a cassette loader, such as that formerly recited in claim 7. To this end, Applicant has cancelled claim 7 and rewritten the essence of former claim 1 and former claim 7 in independent form as new claim 42. New claim 42 has broadened some of the recitations with respect to the upstream and downstream conveyors but includes the limitation that the upstream conveyor assembly has a cassette loader located at the load area of the upstream conveyor assembly. Furst actually discloses a roller mounted bin or transfer case 1 which is used to deliver a bulk supply of items to be withdrawn from the bin to a conveyor 2. This rolling bin, however, does not deposit a bulk supply of containers onto an upstream load area; rather the items are sequentially withdrawn from the bin.

Applicant has also added new claim 43 which again expands certain recitations of former claim 1, specifically, with respect to the recitation of the upstream conveyor and the downstream conveyor. However, claim 43 includes the recitation of a divider panel that is adapted to be removably secured to the upstream belt advance portion for movement therewith thereby to define an upstream wall for supporting containers located downstream thereof and thereby to also define a supply bin of variable size for holding a reservoir of containers. This feature is not believed to be fully and fairly disclosed in any of the applied references. Therefore, it is suggested that claim 43 is allowable.

Based on the amendments to the independent claims, and the rewriting of claim 7 into broadened claim 42, claim 2 and has been amended to delete redundant matter. Claim 8 has been rewritten to change its dependency as well.

Based on the foregoing, Applicant believes that none of the applied references, taken either alone or in combination, fully and fairly disclose the features

of this application. Accordingly, it is believed that this application is in condition for allowance.

Due to this Amendment, a new filing fee calculation is provided, as follows:

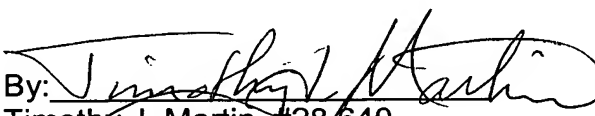
Maximum Total Claims This Amendment		Total Claims Previously Paid For	
42	-	41	= 1 x \$25.00 = \$25.00
Total Independent Claims Per This Amendment		Maximum Independent Claims Previously Paid For	
6	-	4	= 2 x \$100.00 = \$200.00
Additional Filing Fee Due			\$225.00

Accordingly, our check no. 19186 in the amount of \$225.00 is enclosed. The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 13-1940.

Based on the foregoing, Applicant submits that the present application is in complete condition for allowance, and action to that end is courteously solicited. If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number listed below.

Respectfully submitted,

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